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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,054	05/31/2001	Jungkyoo Pamela Ham	STL920000057US1	2294

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE, J46/G4
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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/27/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,054

Applicant(s)

HAM ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 3/22/04. Claims 1-27 are presented for examinations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 10-12, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Helgeson et al (US Patent 6,643,652 B2).

Regarding to claims 1, 10 and 19, Helgeson teaches system and processes to be used in a business systems platform generally used to integrate disparate business

application systems for managing data exchange among systems. As taught by Helgeson, a data object is received (*col. 2, lines 55-56*) **is considered as issuing a request**, from a first system in a first system specific local format (*col. 2, lines 56-57, col. 11, lines 40-67*) **as considered as the native file system protocol**, for data stored in the foreign file system **as second system** (*col. 2, line 67*); this data object is translated from the first system specific local format (*col. 2, lines 57-58*) **as translating the native file system request**, to a generic interchange format object **as to an intermediate programming interface** (*col. 2, lines 58-61*), a plurality of predefined stylesheets are generated, with each stylesheet describing a mapping between a system specific local format and a generic interchange format (*col. 2, lines 53-55*) **as wherein the intermediate programming interface is different from both the native file system protocol and the foreign file system protocol**, and the data object is then translated from the generic interchange format to a second system specific local format object with the predefined stylesheets using a system specific service component which utilizes a native application programming interface of said second system (*col. 2, lines 61-66*) **as translating the intermediate file system request to the foreign file system protocol**, translated data object is then transferred to the second system (*col. 2, lines 66-67*) and a third component for transferring the data object between the first and second system (*col. 3, lines 20-21*) **as returning to the data processing system a response from the foreign file system responsive to the translated request**.

Regarding to claims 2, 11 and 20, Helgeson teaches wherein the file access method is extended to support a second foreign file system by providing a translation

from the intermediate programming interface to the second foreign file system protocol, said method further comprising the step of determining the foreign file system protocol (col. 2, lines 61-66, col. 56, lines 57-67, col. 57, lines 1-67).

Regarding to claim 3, 12 and 21, Helgeson teaches wherein the file access method is extended to support a second native file system by providing a translation from the second native file system protocol to the intermediate programming interface, said method further comprising the step of determining the native file system protocol (col. 2, lines 61-66, col. 3, lines 37-39, col. 56, lines 15-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4-9, 13-18, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson et al (US Patent 6,643,652 B2) in view of Bodamer et al (US Patent 6,236,997 B1).

In regarding to claims 4, 13 and 22, Helgeson teaches wherein the intermediate programming interface comprises a set of generic access functions common to the native file system protocol and the foreign file system protocol (col. 2, lines 52-55).

Helgeson does not explicitly teach a set of file system specific functions which are not common to the file system protocols. However, Bodamer teaches a set of file system specific functions which are not common to the file system protocols (col. 3, lines 6-10, col. 6, lines 21-29, col. 17, lines 57-67, col. 18, lines 1-2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the intermediate programming interface comprising a set of file system specific functions which are not common to the file system protocol in order to provide the capable of exchanging query statements and query results between the two processes (native process and foreign process).

Regarding to claims 5, 14 and 23, Helgeson teaches wherein set of generic access functions common to the native file system protocol and the foreign file system protocol are translated from the native system protocol to the intermediate programming interface which is then translated to the foreign file system protocol (col. 2, lines 52-55). And Bodamer teaches and wherein the set of file system specific functions which are not common to the file system protocols are not translated from the native file system

protocol to the intermediate programming interface, which is then translated to the foreign file system protocol (col. 18, lines 3-11).

Regarding to claims 6-8, 15-17, 24-26, Bodamer wherein the set of file system specific functions which are not common to the file system protocols further comprises a set of extended native file system functions which have no equivalent function in the foreign file system protocol, the set of extended native file system functions causes a predetermined response to be sent to the data processing system, the set of file system specific functions which are not common to the file system protocols further comprises a set of extended foreign file system functions which have no equivalent function in the native file system protocol (col. 9, lines 15-32).

Regarding to claims 9, 18 and 27, Bodamer teaches wherein the set of extended foreign file system functions are passed through to the foreign file system in an untranslated form (col. 18, lines 12-67).

Response to Arguments

Applicant's arguments filed 3/22/04 have been fully considered but they are not persuasive.

Applicants argued that Helgeson ('652) translates from one data format to another. However, the present invention application translates from one protocol to another.

In response, the examiner respectfully disagrees. Helgeson does teach at column 11, lines 27-30 that "the Platform can support both Application and Business

component development, as well as integration with development tools, **connectivity to external systems (import/export/exchange) and information delivery**", or at lines 39-62 that "The electronic communications between these servers may use the **XML protocol (409, 425, 427) with each server having services for translating XML into particular Application Programming Interface (API) language required by the server**", or at column 26, lines 22-23 that "these interfaces provide the communication layer (protocol) with the other Platform servers and components", and or at column 49, lines 64 that "The Web Content Server 800 enables the present invention to interact with users **regardless** of the users hardware platform, locations, and **software systems**...The Web Content Server 800 preferably includes an engine 808, style sheet control system 810 for **various user display protocols**". From the above passages, it is clear different formats have different protocol. Thus, Helgeson does teach the claim invention translates from one protocol to another.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le

May 26, 2004.



GRETA ROBINSON
PRIMARY EXAMINER